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Susan Benjamin*

# FEDERAL COMMUNICATIONS COMMISSION

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*Donna G. Bradshaw*

In Re Applications of: ) WT DOCKET No.: 95-11  
)  
HERBERT L. SCHOENBOHM )  
Kingshill, Virgin Islands )  
)  
For Amateur Station and )  
Operator Licenses )

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## HERITAGE REPORTING CORPORATION

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In Re Applications of: ) WT DOCKET No.: 95-11  
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HERBERT L. SCHOENBOHM )  
Kingshill, Virgin Islands )  
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For Amateur Station and )  
Operator Licenses )

Suite 201, Courtroom 2  
FCC Building  
2000 L Street, N.W.  
Washington, D.C.

Friday,  
December 6, 1996

The parties met, pursuant to the notice of the  
Judge, at 9:03 a.m.

BEFORE: HON. EDWARD LUTON  
Administrative Law Judge

APPEARANCES:

On behalf of the Applicant/Licensee:

ROBERT S. FEINBERG, ESQ.  
For Loren A. Colby  
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## APPEARANCES (continued):

On behalf of the Commission:

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I N D E XWITNESS:PAGE:

None.

Hearing Began: 9:03 a.m.

Hearing Ended: 9:38 a.m.

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1                                P R O C E E D I N G S

2                                JUDGE LUTON: Good morning.

3                                MR. FEINBERG: Good morning, Judge.

4                                MR. FITZ-GIBBON: Good morning, Your Honor.

5                                JUDGE LUTON: Good morning.

6                                MR. REIDELER: Good morning, Your Honor.

7                                JUDGE LUTON: Please be seated. I think I had  
8 better take the appearances again.

9                                On behalf of Mr. Schoenbohm?

10                               MR. FEINBERG: Robert Feinberg, and I am here for  
11 Mr. Loren Colby.

12                               JUDGE LUTON: All right.

13                               MR. FEINBERG: Who represents Mr. Schoenbohm.

14                               JUDGE LUTON: Okay. Yes. And over here, Bureau?

15                               MR. FITZ-GIBBON: Thomas Fitz-Gibbon and Terry  
16 Reideler.

17                               JUDGE LUTON: All right, the General Counsel, on  
18 behalf of the Commission, remanded this case for more  
19 hearing, particularly to determine whether Schoenbohm's made  
20 certain misrepresentations and whether Schoenbohm used his  
21 facilities for communications about how to obtain illicit  
22 access codes.

23                               If necessary, I am to provide demeanor findings to  
24 support any credibility findings. I guess that means that  
25 we will not be proceeding by way of speakerphone in this

1 case.

2 All that I wanted to do today was to establish  
3 some dates for the progress of this case. Of course, I  
4 would be willing to discuss anything else that the parties  
5 might wish to raise.

6 Is there anything, by the way, that the parties  
7 contemplate talking about this morning besides dates for the  
8 progress of the case?

9 MR. FITZ-GIBBON: Your Honor, we just wanted to  
10 mention that we believe that the purpose of this new hearing  
11 -- it is our understanding that the purpose of this new  
12 hearing is to receive evidence that is relevant to the newly  
13 designated issues and that it is not an opportunity to  
14 present evidence that should have been presented earlier.

15 JUDGE LUTON: Well, that statement is pretty  
16 general. I do not know what to say about it. I mean, are  
17 we going to get into fights about, when there is an  
18 evidentiary offering, whether or not this evidence could or  
19 should have been presented earlier, as opposed to whether it  
20 is relevant and material on whatever issue that we are  
21 happening to try at the time?

22 Are you suggesting that evidence ought to be  
23 excluded because it was not presented before, quite apart  
24 from its seeming relevance on the newly designated issues?

25 MR. FITZ-GIBBON: No, I am suggesting here, Your

1 Honor, that evidence should be received if it is relevant to  
2 the newly designated issues. But if it is not relevant to  
3 the newly designated issues, it should not be received.

4 JUDGE LUTON: Well, that is pretty standard, I  
5 think. Do you disagree with that?

6 MR. FEINBERG: No, Your Honor.

7 JUDGE LUTON: Evidence that is relevant on the  
8 newly designated issues ought to be received. Evidence that  
9 is not relevant on those issues ought not be received.

10 MR. REIDELER: I think our concern, Your Honor,  
11 was that we want to avoid retrying issues that have already  
12 been tried before.

13 JUDGE LUTON: Yes.

14 MR. REIDELER: Just keep that hearing narrowed to  
15 the newly designated issue. And I assume that Your Honor  
16 wanted to do that anyway.

17 JUDGE LUTON: The first issue that we tried had to  
18 do with whether, in light of Schoenbohm's conviction, he is  
19 qualified to renew his licenses. The second one, whether  
20 Schoenbohm violated certain rules by soliciting or  
21 encouraging others to make ex parte presentations, and the  
22 effect of these violations in the event that they should be  
23 found.

24 Now, here, we are to determine whether Schoenbohm  
25 made misrepresentations or lacked candor in his testimony

1 about his felony conviction.

2 I suppose I can see how there might be some  
3 overlap there, with the first issue that we tried, in light  
4 of the conviction. That required an examination, to some  
5 extent, of the conviction, the nature of the conviction,  
6 which had gone through. And now, we are commanded to  
7 determine whether Schoenbohm made misrepresentations or  
8 lacked candor in his testimony about those convictions.

9 Is there not necessarily some overlap there?

10 MR. REIDELER: Perhaps there, Your Honor, but we  
11 are thinking more in terms of issues, like on the issue of  
12 rehabilitation that was, I think, argued pretty well at the  
13 hearing. And we are just fearful that that might come up  
14 again. That Mr. Schoenbohm's counsel would want to present  
15 more evidence showing that he has been in fact  
16 rehabilitated.

17 JUDGE LUTON: Rehabilitation? Let us see, that  
18 was -- what did I have to say about that.

19 Mr. Schoenbohm's conviction for a felony involving  
20 fraudulent conduct implicates his propensity for  
21 truthfulness. And I am restating what I already stated in  
22 my decision. Then the Commission will consider a bunch of  
23 things showing mitigating circumstances or rehabilitation.  
24 I concluded, on the basis of what I saw then, that there was  
25 nothing to mitigate the situation.



1           The Bureau's concern now is that, in proceeding on  
2     the new issues -- namely, whether Schoenbohm made  
3     misrepresentations or lacked candor -- he ought not be  
4     permitted, in trying that issue, to show mitigation or  
5     extenuating circumstances or rehabilitation. Is that what  
6     you are saying?

7           MR. REIDELER: Yes, Your Honor.

8           JUDGE LUTON: Okay. Well, the issue is whether  
9     the misrepresentations were made. If, assuming that some  
10    misrepresentations are shown, I think I would have to permit  
11    a contextual showing, the background against which these  
12    alleged misrepresentations were made. Something by way of  
13    explanation. And to me that seems eminently fair. And I  
14    suppose that in doing that, I could be accused of permitting  
15    the showing of what the Bureau might consider to be  
16    extraneous materials; namely, extenuating material,  
17    mitigating material.

18           Is that the Bureau's concern?

19           MR. REIDELER: Well, Your Honor, we were more  
20    concerned about evidence concerning not mitigation, inasmuch  
21    as a felony were committed, but as much as what punishment,  
22    assuming that were found, should be rendered.

23           Before, in the hearing, Mr. Schoenbohm presented  
24    evidence that he was of -- he thought he presented evidence  
25    of good character, inasmuch as he had done these good deeds

1 in the Virgin Islands. And also presented evidence about  
2 financial losses that he had suffered because of his  
3 conviction.

4 Those issues are the ones that we think have been  
5 fully adjudicated and there is no need to go into them  
6 again. That is our concern there.

7 JUDGE LUTON: Well --

8 MR. REIDELER: Not mitigation as much as why the  
9 alleged felony was committed.

10 JUDGE LUTON: Okay. Just take the General  
11 Counsel's or the Commission's concern about Mr. Schoenbohm's  
12 testimony concerning the alleged loss of his pension rights.  
13 It would be the Bureau's view, I take it, that Schoenbohm's  
14 testimony already given about that ought to be measured  
15 against whatever the true facts are shown to be, the true  
16 facts are shown to be in the upcoming hearing, and that is  
17 all.

18 MR. REIDELER: Yes, Your Honor.

19 JUDGE LUTON: He should not be permitted to  
20 embellish upon or somehow project on a larger screen the  
21 significance of the loss of his pension rights, the amount  
22 or whatever. They may need the testimony that has been  
23 given about those pension rights; that is the sole thing  
24 that we would be looking at, as opposed to what?

25 MR. REIDELER: Now I am not sure of the question,

1 Your Honor.

2 JUDGE LUTON: Okay. I am not either. But if I am  
3 understanding just a little bit, I think the Bureau is  
4 suggesting that the concern, in the remanded hearing, with  
5 those pension rights ought to have only to do with  
6 Mr. Schoenbohm's testimony, already given, about those  
7 pension rights.

8 MR. REIDELER: That is correct.

9 JUDGE LUTON: And that he ought not be permitted  
10 to show, for example, that the impact on him, by virtue of a  
11 loss of those rights, is greater than he said it was before.

12 MR. REIDELER: That is correct.

13 JUDGE LUTON: He cannot change --

14 MR. REIDELER: Yes, he has had his day in court on  
15 these issues.

16 JUDGE LUTON: -- he cannot -- yes. The concern  
17 here has to be, according to, as the Bureau is suggesting  
18 now, solely whether Mr. Schoenbohm made misrepresentations,  
19 not, for example, the impact of the loss of those rights on  
20 Mr. Schoenbohm.

21 MR. REIDELER: Exactly. That is our position,  
22 yes, sir.

23 JUDGE LUTON: Okay. Mr. Feinberg?

24 MR. FEINBERG: If I may respond briefly?

25 JUDGE LUTON: Yes.

1           MR. FEINBERG: I have listened to this and I just  
2 would suggest two things. One is -- one pertaining to each  
3 of the items that you are asked to make findings on -- that  
4 we not lose sight of the purpose of considering whether he  
5 made misrepresentations, which goes to his fitness to be a  
6 licensee. The suggestion was made that, because he had made  
7 misrepresentations, that he is not trustworthy and worthy to  
8 be a licensee.

9           So, I respectfully suggest that you would not want  
10 to moot the proceeding by not taking enough evidence to  
11 satisfy yourself. And you made the point, initially, that  
12 that is why you do not want to do it by speakerphone, so you  
13 can judge his demeanor and make findings about that. That  
14 this is the purpose for that part of the inquiry.

15           And then, part two is whether he actually used his  
16 facility in order to obtain illegal access codes. There was  
17 some controversy in the previous proceeding about just what  
18 -- and that goes to part one, too, about how he presented  
19 the import of his conviction. So, those are the purposes  
20 for this proceeding. And if it were made too narrow, you  
21 might not accomplish what the remand is established in order  
22 to do.

23           JUDGE LUTON: Well, with respect to the second  
24 matter there, whether Schoenbohm used his facilities for  
25 communications about how to obtain access codes, I may be

1 mistaken, but I do not believe that came up in the hearing.

2 I do not believe that was an issue in the first case.

3 As a matter of fact, I think what is being said  
4 here, on the remand, is that it is a matter which was not  
5 designated. And now, the feeling is that it should have  
6 been and it is being designated for the first time. I do  
7 not think we have tried that issue at all, have we?

8 MR. REIDELER: We have not.

9 JUDGE LUTON: I do not think so. Now, with  
10 respect to the first one, now, to determine whether  
11 Schoenbohm made misrepresentations or lacked testimony --  
12 lacked candor, rather, in his testimony, my focus is going  
13 to be on the testimony that has already been given. And I  
14 am going to try to direct the inquiry in such a way that it  
15 reveals whether Schoenbohm made misrepresentations in giving  
16 that earlier testimony.

17 Is that not what the issue requires, just by its  
18 very nature? And are you suggesting anything different or  
19 broader than that, Mr. Feinberg?

20 MR. FEINBERG: That -- There have been suggestions  
21 that Mr. Schoenbohm misrepresented the import of the  
22 conviction, that it was not a conviction for --

23 JUDGE LUTON: For anything that he did --

24 MR. FEINBERG: -- that it was for only --

25 JUDGE LUTON: -- but that it was for what he had

1 in his head.

2 MR. FEINBERG: -- only knowing how to do it.

3 JUDGE LUTON: Yes.

4 MR. FEINBERG: That he knew how to do it.

5 JUDGE LUTON: That was a significant point with  
6 me, yes.

7 MR. FEINBERG: And the reason why I am mentioning  
8 that now is not to bring that up again, but to illustrate  
9 the issue of his trustworthiness and fitness to be a  
10 licensee, which is really what the bottom line is.

11 JUDGE LUTON: Well, what is it anticipated that  
12 Mr. Schoenbohm's testimony will be on such an issue, for  
13 example? He is going to, presumably, attempt to enlighten  
14 me, and the rest of us, on the distinction that he sought to  
15 make the first time around. Namely, that his conviction was  
16 on the basis or for certain things that he had in his mind,  
17 as opposed to anything that he might have done.

18 Do you expect him to try to make that distinction  
19 in his testimony?

20 MR. FEINBERG: What he would be seeking to do  
21 would be to convince you, through his demeanor and whatever  
22 evidence he can present, that he is a trustworthy person and  
23 fit to be a licensee.

24 JUDGE LUTON: Yes, well -- and I suppose the  
25 Bureau's concern there would be, how far afield

1 Mr. Schoenbohm might want to go by way of showing him to be  
2 a trustworthy person. And then, in what context. And would  
3 it be relevant on whatever issue we happen to be trying?

4 MR. FEINBERG: Your Honor, if the --

5 JUDGE LUTON: I think demeanor, which might be a  
6 basis for some credibility findings -- the relevant  
7 demeanor, to me, would be the demeanor exhibited as relevant  
8 testimony is being given on the issues designated, not on  
9 some outside thing that might be intended, for example, to  
10 show that Mr. Schoenbohm is active in civic activities. I  
11 do not need to see him give that kind of testimony. I do  
12 not think that would be of value to me, that kind of  
13 demeanor evidence.

14 But his demeanor as he testifies about, for  
15 example, whether I got it wrong when I concluded that he was  
16 not being truthful in his testimony; now, I would sure like  
17 to check his demeanor as he is giving that kind of  
18 testimony.

19 Testimony given that is relevant to the issues --  
20 it would be proper for me to take into account demeanor.  
21 But demeanor derived from testimony being given about  
22 something that is not relevant to the issues would not be  
23 relevant to me.

24 MR. FEINBERG: Your Honor, I do not think anyone  
25 --

1 JUDGE LUTON: You are not suggesting that?

2 MR. FEINBERG: -- not -- no one would suggest  
3 that.

4 JUDGE LUTON: Okay.

5 MR. FEINBERG: But everything that he would do in  
6 his personal appearance would be to reinforce his  
7 credibility, because he has been denied -- one of the  
8 reasons given for denying the license is that his felony  
9 conviction involved fraudulent conduct and reflects  
10 adversely on his propensity to obey the law.

11 JUDGE LUTON: Yes.

12 MR. FEINBERG: And, therefore, he should not be a  
13 licensee. And since he is seeking to have his license  
14 renewed, that would be his objective. Would be to  
15 demonstrate that he is in fact a credible person, worthy to  
16 be a licensee.

17 JUDGE LUTON: Through what means? How might he do  
18 that, for example?

19 MR. FEINBERG: Through the fact that, within the  
20 context of presentation of relevant testimony, that it is  
21 truthful and accurate.

22 JUDGE LUTON: Oh, that is the most we can do with  
23 it, right.

24 MR. FEINBERG: And that his demeanor is --

25 JUDGE LUTON: So long that we assume that whatever



1 is being given is relevant, then we have got no problem.

2 MR. FEINBERG: No one should assume otherwise.

3 JUDGE LUTON: On either side. So, that is going  
4 to be the rub, I suppose, and that is where I am going to  
5 have to make some decisions as the evidence is being given.

6 MR. FEINBERG: And, certainly, through the way he  
7 presents himself, he should be reinforcing his credibility.  
8 And anything that would deny you the opportunity to make  
9 that judgment would not fulfill the remand, the opportunity  
10 to present --

11 JUDGE LUTON: Well, I think the only thing that  
12 would deny me the opportunity of making that judgment is if  
13 Mr. Schoenbohm seeks to testify irrelevantly. If he does  
14 that, I am going to cut him off and I will not be concerned  
15 with the credibility that he might otherwise display.

16 But I will be as sensitive as I can to the need to  
17 make credibility judgments, if they are necessary. And it  
18 is not automatic that they will be necessary. But I will be  
19 particularly sensitive to that, since I have been instructed  
20 here to be concerned with it.

21 I am going to be as fair as I can. I am going to  
22 try to permit Mr. Schoenbohm to meet these issues as fully  
23 as is reasonably possible. I cannot give the Bureau any  
24 kind of assurance now that we will not touch on some things  
25 that it may seem have been put to bed already. But I have

1 no intention of retrying the case. Matters that have been  
2 tried, have been tried. There is no question about that.

3 I am looking solely at the new issues and we will  
4 just have to proceed as best we can. And I expect parties  
5 will object when it is appropriate to do so, and I will do  
6 my best in ruling on those objections. That is all I can  
7 say about that. Having heard the concerns expressed on both  
8 sides, I will certainly be mindful of those concerns as we  
9 proceed.

10 Is there anything else?

11 MR. FEINBERG: Just the procedural schedule, Your  
12 Honor.

13 JUDGE LUTON: How about the latter part of  
14 January, when the weather is at its worst? January 28th?  
15 That is less than two months from now.

16 MR. FITZ-GIBBON: Your Honor, we were planning on  
17 deposing Mr. Schoenbohm.

18 JUDGE LUTON: You have got to go down to Kingshill  
19 for that, of course.

20 MR. REIDELER: Unfortunately, not.

21 MR. FITZ-GIBBON: No. Well, if there were other  
22 people to depose there, perhaps we could do that. But it  
23 probably would take place in Washington.

24 JUDGE LUTON: Well, I do not really care. That is  
25 irrelevant to me. But you say that to say what? That the

1 28th might be too soon?

2 MR. FITZ-GIBBON: We proposed a procedural -- we  
3 discussed a potential procedural schedule with Mr. Feinberg  
4 and --

5 JUDGE LUTON: Well, why do you not just lay that  
6 out for me and save me the trouble of trying to put  
7 something together?

8 MR. FITZ-GIBBON: Okay, well, our original  
9 procedural schedule started on February 4. Mr. Feinberg  
10 would like it to be three weeks later. We do not have any  
11 objection to that. But this would put the hearing back to  
12 April 1. So, it would be February 25 for the conclusion of  
13 discovery.

14 And then, two weeks after that, which would be  
15 March 11 -- oh, excuse me, Your Honor. That would be one  
16 week after that. March 4, for the exhibit exchange. And  
17 two weeks after that, for the notification of the witnesses  
18 to be produced for testimony and, also, for exchanging any  
19 exhibits in their rebuttal case.

20 JUDGE LUTON: What would be the date for that?

21 MR. FITZ-GIBBON: That would be March 18. And one  
22 week after that would be the date for notification of any  
23 rebuttal witnesses to be produced. That is March 25. And  
24 then, April 1 would be the hearing date.

25 JUDGE LUTON: Well, with these rebuttal witnesses

1 here, rebuttal notices -- what is that, again? Exhibits,  
2 March 4.

3 MR. FITZ-GIBBON: Exhibits, March 4. March 18,  
4 notification of witnesses to be produced --

5 JUDGE LUTON: Yes.

6 MR. FITZ-GIBBON: -- for testimony at the hearing.  
7 And that would also be -- if, in response to the exhibit  
8 exchange, there were any rebuttal exhibits, that would be  
9 the date for exchanging the rebuttal exhibits.

10 JUDGE LUTON: No, that seems to me -- no, I do not  
11 need such a complicated schedule. How about just presenting  
12 exhibits, taking a look at them, and from those exhibits,  
13 deciding what witnesses you want, call them, and we will go  
14 to hearing on April 1?

15 MR. FITZ-GIBBON: We have no objection to that,  
16 Your Honor.

17 JUDGE LUTON: Yes, I really do not see how that  
18 can work a hardship on anybody, without rebuttal witnesses  
19 and other notifications. And that is much too elaborate for  
20 me, and I do not think it is necessary, quite frankly.

21 And it is my experience, and I am sure yours as  
22 well, Mr. Fitz-Gibbon, that, in these cases, the written  
23 testimony is one of the least important parts of the case,  
24 anyhow. After you hear the witnesses, you may have  
25 something. But to simply call people on the basis or rebut

1 on the basis of written testimony, it seems unnecessary to  
2 me.

3 Mr. Feinberg, how does this schedule strike you?  
4 Well, it is one that you are a part of, are you not?

5 MR. FEINBERG: And you referred earlier to this  
6 discovery taking place when the weather is at its worst. We  
7 are not sure -- Mr. Colby and I originated in Frederick --  
8 and you could convince us that it is already at its worst.

9 But his principal concern was, where is this going  
10 to take place? And I think worked that out and we  
11 understand that. And that there be a little time that has  
12 been built into the schedule now for him to do what he needs  
13 to do. And that we would contemplate a hearing date of  
14 April 1.

15 So, we understand why it would not be done by  
16 speakerphone and we understand why it would not be done in  
17 St. Thomas, unless there are more witnesses.

18 JUDGE LUTON: I do not understand that myself, why  
19 we could not do this in St. Thomas. But, anyway.

20 MR. REIDELER: Well, Judge, I think there are  
21 three of us here that probably agree with you.

22 JUDGE LUTON: Okay. If the parties take a look at  
23 the exhibits and then -- I am not even sure how that would  
24 work, Mr. Fitz-Gibbon. Exhibits and witness notification on  
25 March 18. And what would trigger a further call for

1 witnesses? It would depend on the witnesses that the other  
2 side calls?

3 MR. FITZ-GIBBON: If there were something  
4 disclosed in the exhibit exchange that resulted in calling  
5 rebuttal witnesses --

6 MR. FEINBERG: Your Honor, may I make a suggestion  
7 about how that might come up?

8 JUDGE LUTON: Yes, sir.

9 MR. FEINBERG: Mr. Fitz-Gibbon, there is a tape  
10 somewhere. Did you mention, is it a Miller tape?

11 MR. FITZ-GIBBON: It is the tape recording that  
12 Henry Miller made of Mr. Schoenbohm, and it is what the  
13 General Counsel's Office apparently based the new issue on,  
14 concerning whether Mr. Schoenbohm used his station to  
15 disseminate information about how to obtain illicit access  
16 codes.

17 MR. FEINBERG: So, I think that is an example. If  
18 there were some other evidence, other than that tape, that I  
19 could foresee that being brought to bear.

20 MR. FITZ-GIBBON: Well, we do not necessarily  
21 foresee any rebuttal --

22 MR. FEINBERG: Not necessarily.

23 MR. FITZ-GIBBON: -- exhibits. But the purpose of  
24 putting -- of proposing to put that in the procedural  
25 schedule is just to cover all bases.

1 JUDGE LUTON: Give me that schedule again, Mr.  
2 Fitz-Gibbon, including the additional calls for witnesses.  
3 Exhibits, March 4.

4 MR. FITZ-GIBBON: Exhibits, March 4. Well,  
5 conclusion of discovery, February 25.

6 JUDGE LUTON: Yes.

7 MR. FEINBERG: Then, exhibits, March 4.

8 JUDGE LUTON: All right, go ahead. I am sorry.

9 MR. FITZ-GIBBON: March 18 would be notification  
10 of the witnesses to be produced for testifying at the  
11 hearing and the exchange of any rebuttal exhibits. And one  
12 week after that, March 25, would be notification of any  
13 rebuttal witnesses to be produced at the hearing for  
14 testimony. And April 1 would be the hearing.

15 JUDGE LUTON: Okay. What we are going to do is  
16 just hold all concerns about rebuttal cases and rebuttal  
17 witnesses for later and see what we get. It may not be  
18 necessary. If it is, we will have a rebuttal session.

19 But, in the meantime, we will proceed this way.  
20 An exhibit exchange, March 4. Notification of witnesses,  
21 names of witnesses, March 18. And the hearing, just before  
22 the start of spring, April 1.

23 Is there anything else? I will issue an order  
24 setting out these dates.

25 Sir?

1                   MR. FEINBERG: Your Honor, that seems  
2   satisfactory.

3                   JUDGE LUTON: All right.

4                   MR. FITZ-GIBBON: Nothing else, Your Honor.

5                   JUDGE LUTON: All right. Thank you very much,  
6   then. We'll be in recess.

7                   MR. FEINBERG: Thank you, Your Honor.

8                   MR. FITZ-GIBBON: Thank you, Your Honor.

9                   MR. REIDELER: Thank you, Your Honor.

10                  (Whereupon, at 9:38 a.m., the proceeding was  
11   concluded.)

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**REPORTER'S CERTIFICATE**

FCC DOCKET NO.: 95-11  
CASE TITLE: Herbert L. Schoenbohm  
HEARING DATE: December 6, 1996  
LOCATION: Washington, D. C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date: 12.06.96

Gary A. Sabel  
Official Reporter  
Heritage Reporting Corporation  
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Gary Alan Sabel

**TRANSCRIBER'S CERTIFICATE**

I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

Date: 12.06.96

Gary A. Sabel  
Official Transcriber  
Heritage Reporting Corporation  
Gary Alan Sabel

**PROOFREADER'S CERTIFICATE**

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

Date: 12.10.96

Don R. Jennings  
Official Proofreader  
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